

**REMARKS**

Claims 25-32 are pending in the present application.

The Examiner objected to the abstract because of the withdrawal of the non-elected claims. Accordingly, the Examiner is requesting an amendment to the abstract. In response, Applicant believes amending the abstract is not necessary. Under 37 CFR § 1.72 and MPEP § 608.1(b), the purpose of an abstract is to provide a statement of the subject matter covered by the technical disclosure. In other words, the abstract relates to the specification, not the claims. Because the specification also discloses a charging apparatus, a battery and a reading apparatus, the abstract should include that information.

The Examiner also objected to the title, for failure to be descriptive. In response, Applicants have amended the title to read: --Power Tool with Means for Obtaining Product Use Information--.

The Examiner has rejected Claims 25-32 under 35 USC § 103(a) as being unpatentable over US Patent No. 4,636,961 ("Bauer"). This rejection is respectfully traversed.

Claim 25 calls for a power tool comprising a memory for storing use profile information about the tool. Claims 26-32 are ultimately dependent upon Claim 1 and thus include the elements of Claim 1.

Admittedly, Bauer discloses a power tool with a memory 15. However, Bauer does not disclose a memory for storing use profile information about the tool.

By contradistinction, Claim 25 calls for "a memory for storing use profile information about the tool." This information would include, for example, the tool temperature, length of use, number of times the tool has been turned on, etc. (See, e.g., Specification, page 8, lines 13-14.) This allows a

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person to obtain this information at a later time and to analyze it. (See, e.g., Specification, page 8, line 15 to page 9, line 5.)

Bauer does not disclose or suggest storing the use profile information in a memory for later analysis. In fact, the memory described in Bauer cannot receive any such use information, as the memory is described as a read-only memory (ROM), which has information already "burnt" in, or a programmable read-only memory (PROM), which must be programmed with the required information before use. Accordingly, Bauer cannot render Claim 1 and its dependent claims unpatentable.

The Examiner also rejected to Claims 25-32 under 35 USC § 103(a) as being unpatentable over US Patent No. 5,903,462 ("Wagner"). This rejection is respectfully traversed.

Wagner cannot be prior art to the present application since Wagner issued on May 11, 1999. However, the earliest filing date of the present application is June 3, 1998 (see attached copy of filing receipt). Therefore, the Examiner cannot rely on Wagner to render Claims 25-32 unpatentable.

In view of the foregoing, all the claims are patentable and the application is believed to be in condition for formal allowance. Reconsideration of the application and allowance of Claims 25-32 are respectfully requested.

No fee is due for the present amendment. Nevertheless, the Commissioner is authorized to charge payment of any fees due in processing this response, or credit any overpayment to Deposit Account No. 02-2548.

Respectfully submitted,



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Attachment for Title Amendments

The following is a marked up version of the amended title in which underlines indicates insertions and brackets indicate deletions.

Title (Amended): [METHOD AND APPARATUS] POWER TOOL WITH MEANS FOR  
OBTAINING PRODUCT USE INFORMATION